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SOCIAL NORMS AND PRACTICES ON GENDER AND LAND RIGHTS IN GITUAMBA WARD, GATUNDU NORTH SUB-COUNTY, KIAMBUI, KENYA

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Abstract: The study was carried out to establish how the existing social norms and practices shape men and women land rights in Gituamba Ward, Gatundu North Sub-county, Kiambu County, Kenya. Gituamba Ward has an estimated population of 27,587 residing in approximately 54.80 Sq. Km according to Kenya National Bureau of Statistics, 2013. The study was guided by both the theory of Gender and Intersectionality. To answer this question the study applied a qualitative research design utilizing in depth interviews to explore men's and women's lived experiences on gender and land rights in Gituamba Ward. Observation was also applied in the study using checklists. The target population was couples of different social categories who have been legally married or have cohabited for at least two years aged between 18 and 65 years. The researcher used different interview guides to collect information from 12 married couples, 4 Focus group discussions (FGDs) and 8 Key informants. Sampling of respondents was generally purposive where the married couples utilized maximum variation sampling, FGDs applied homogeneous sampling and expert sampling for key informants. To enhance reliability the study triangulated data collected from interviews with that of FGDs while validity was ensured through review of research instruments with supervisors, lecturers and peers. Qualitative data was collected, sorted, coded and manually transcribed and results were presented in summarized report and direct quotations and pseudonyms from the participants. The study found that men through inheritance are the land owners while women own it through marriage but in case of death it becomes woman's property. The role of men was found to head in production and the sale of cash crops while women were found to be more concerned with the production of food crops. With regard to decision-making men were found to make major decisions while women were left to decide on sale of food crops if not much or if perceived to be of lesser value. The conclusion of the study was that gender intersects with age, educational level, social class, occupation and religion to form men and women oppression in Gituamba Ward. The study recommended that both the national and county governments should commit resources to sensitize on gender equality on land and fight corruption. There is need for specific gender and land policy considering that both men and women should not be taken as a homogeneous group hence considering all other social categories. The local community and individual couples should enhance social cohesion and create awareness on equality in land rights.

Key terms: Gender; Social Norms, land rights, Practices, Inter-sectionality

1.1 Study Background

Gender equality is vital for the realization of any development since human relations determine the manner in which a resource like land is well utilized. This study investigated how gender relations shape land rights. Kaundjua, kauari and mufune (2014), argue that gender relations are ways in which a society defines rights, responsibilities, and the identities of men and women in relation to one another. Pompper (2014) argues that gender relations intersect with other social categories like, age, education level, occupation, social class religion and ethnicity determining the uneven distribution of power in a society entrenching men at the center while women remain marginalized in land rights.

Globally, gender inequalities in land rights; ownership, access and control are pervasive (food and agriculture organization, 2010) due to gender biased customary law, traditions, and social norms and attitudes. The result of these practices in many countries is that women cannot achieve land rights without consent from a man (gomez &tran, 2012 & kameri-mbote, 2005).due to gender inequalities in land rights women risk losing entitlements in case of divorce, widowhood or their husband's migration (lastarria-cornhiel, 2009).land shortage is common among women who farm smaller and more dispersed plots and are less likely to hold title, secure tenure, or the same rights to use, improve or dispose of land. For example, land ownership by women is estimated to be less than 10% world-wide (kessler, 2015) yet they make up 43% of the agricultural labor force worldwide although many work without pay (namumbiru-mwaura, 2014).

In africa, 39 % of women and 48% of men report owning land, including both individual and joint ownership. Only 12% of women report owning land individually, while 31% of men do so (mutondoro, ncube, addah & kairu, 2016). Men solely own a substantially higher proportion of household documented land ranging between 60% in niger and 45% in tanzania while women's sole ownership of documented land ranges between 17 % in malawi and 16% in uganda (doss, kovarik, peterman, quisumbing &van den bold, 2013).the difference in land rights between men and women shows that many men in the african society dominate in land rights while women lag behind.

Among various communities in kenya, women do not traditionally own land or other immovable properties. They only have use rights hinged on the nature of the relationship between them and men and access can be denied since it is dependent on the whims of the male benefactors (kameri-mbote, 2005). Kenyan women's land rights continue to lag behind those of men. This is because customary law which often discriminates against women and limits their land and property rights, governs at least 65% of land in kenyan and this often limits the rights of even those women not living on land governed by custom (kilimo trust, 2016).

Gender has thus become a critical issue in women's land rights for there exists a direct relationship between accessing land resources, having secure land rights, achieving food security and overcoming poverty (Odeny, 2013). Kenya is a signatory to treaties that fight for human rights such as Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) 1979. The Constitution of Kenya 2010 (CoK 2010), Article 60 (f) is in conformity with the treaties that advocate for the elimination of gender discrimination in law, customs and practices related to land (Mburugu, 2013).Despite the attempts to improve gender equality through policies customary

laws impede the realization of land rights. This study aimed at finding out how gender relations shape land rights among men and women in Gituamba Ward.

1.2 Statement of the Problem

Land is essential for rural livelihoods and it provides households with the basic means for subsistence and market production. The ways in which men and women relate in the utilization of land resource is very crucial for the enhancement of development. Women predominantly depend on land for socio-economic development but there exists gender disparities disempowering their rights making them left out in development yet they contribute a lot in agriculture or food production. Social norms like division of labor, division of power and emotional relations affect women ownership control and access rights. Customs not only affect land policies but also shape the practices of the people in the understanding of these rights. The Government of Kenya in its commitment to fight inequalities enacted the CoK 2010 the supreme law that calls for elimination of gender discrimination in land rights. This legislation was not only meant to enhance more secure access to land but also combat social norms and practices that impede land rights. Despite the existence of this legislation, it is evident that land rights are given by the state but are hardly realizable. Gituamba Ward is in Gatundu North Sub-county is in Kiambu County in central province, Kenya. The ward is characterized by women who contribute more in commercial agriculture but they do not have ultimate decisions over land activities, control over sale and management of land products. Therefore, if issues leading to inequalities on land rights are not taken into consideration, poor relations between men and women will affect the manner in which they utilize their land for socio-economic development. This study employed an intersectional approach to fill the gap on how relations between and amongst men and women shape land rights in Gituamba Ward.

1.3 Conceptual Framework

The following is a diagrammatic illustration of the conceptual framework.

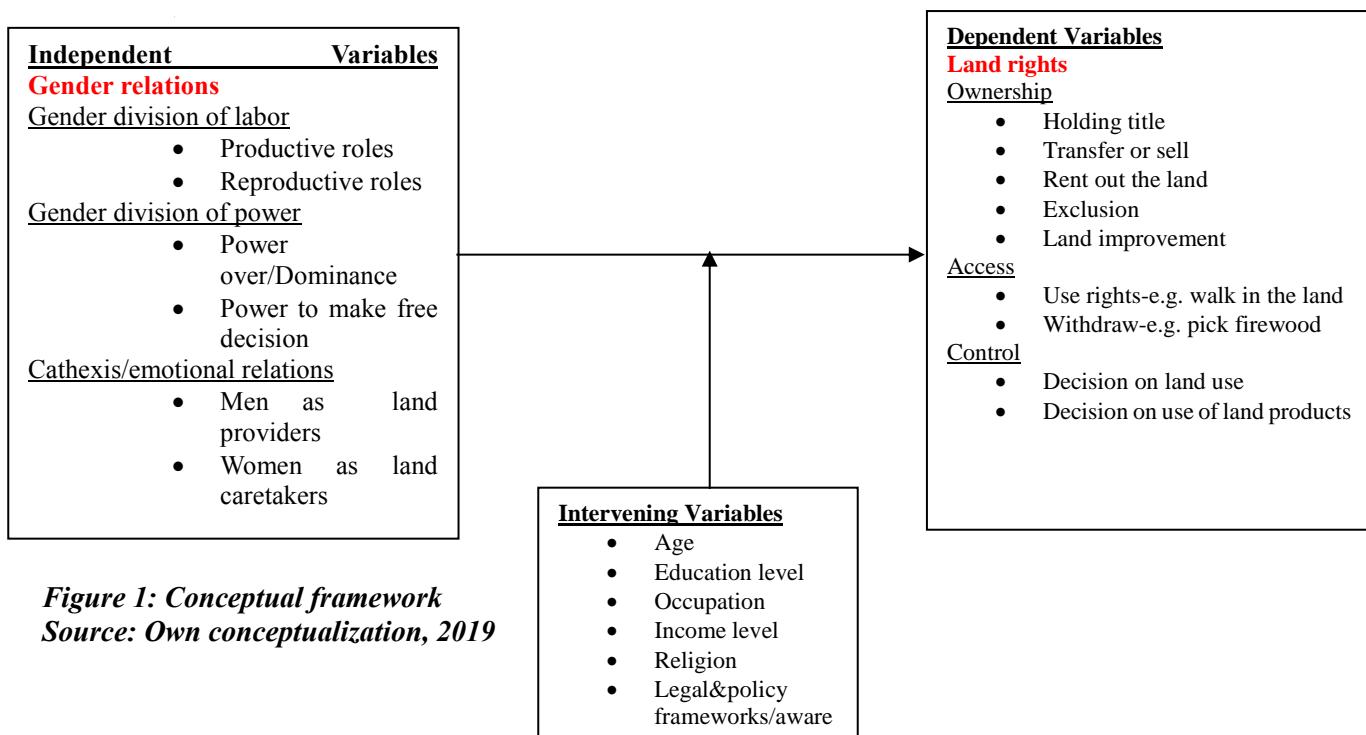


Figure 1: Conceptual framework
Source: Own conceptualization, 2019

1.4 Literature review

Theoretical review

Theory of Gender and power: This theory was originally developed by Connell (1987) as a social structural theory which explains how gender, and power imbalances limit women's earning potentials and control of resources such as land (Saxena, 2017). The theory posits that structure of gender relations include three aspects; namely (1) sexual division of labor, (2), sexual division of power, and (3) cathexis. The sexual division of labor determines the relations between men and women in the creation of roles that are defined as "men's" and "women's". The sexual division of power focuses on authority, control and coercion which exclude women from certain positions. Cathexis refers to the constraints in people's emotional attachments to each other (Niemann, 2013). The three structures of gender relations discriminate women perpetuating inequality in land rights. Kouame and Fofana (2015) observed that gender roles in regard to land production guarantee the dominant social position of men while women remain dependent on their husbands or male relatives for land rights. Mare (2015) on division of power argues that women mostly experience inadequate right to control over different productive resources like land and decision making about its productive use, while men are the principal beneficiaries in terms of control over the income generated from these products to an extent of use and even dispose a resource or benefit. Cathexis has socially placed men in dominant positions making them perceived as providers of land inputs while women perceived as land caretakers.

Intersectionality Theory: This theory was propounded by Kimberlé Williams Crenshaw (1989) in response that men and women cannot be universally taken as a single category all the time (Djoudi et.al, 2016). This is because social categories like race, class, gender, sexuality, ethnicity, nation, ability, and age operate not as unitary, mutually exclusive entities, but as reciprocally constructing phenomena that in turn shape complex social inequalities (Collins, 2015). Intersectionality theory elicited how gender intersects with other social categories forming many axis of discrimination. These categories are socially constructed and place men at a dominant position while women remain vulnerable in land ownership, access and control rights. Intersectional approach analyzed how vulnerabilities to land rights are shaped by the intersections of gender with age, level of education, occupation, income, ethnicity and religion. For example, Sikodi (2007) argues that education is increasingly becoming a major factor enabling women to break down barriers to some socialization factors giving rise to the division of household labor for the more educated a woman is, the more likely it is she is going to venture into spheres traditionally considered male areas.

Review of Empirical Literature

Social Norms and Practices on Gender and Land Rights

Harrington (2008) established that some cultures places men as heads of the family unit and accrues them with powers over the allocation of land consequently making property like land belong to the husband's lineage excluding women from participation in major decisions. Giovarelli and Wamalwa (2011) study in India argue that women have the same legal rights to own land as men but this is hardly realizable because social norms dictate that women should pay dowry for their husbands and the daughter's dowry is viewed by her family as her portion of inheritance. Westendorp (2015) study in Indonesia found that inheritance is patrilineal where daughters have no right to inherit from her father because the heavy responsibilities in relation to religious ceremonies, the forebears, and the temples have to be shouldered by her brother (s). Deere and Leon (2003) found that both daughters and sons may inherit from their parents but this is not of

equal value. For example in Latin America, daughters may inherit animals, household goods, cash or a house while land is concentrated in the male line. These studies indicate that in many cases women land rights are not given out and even in cases where customary law accord both men and women capacity to land rights this is still not of equal value. This study aimed at filling the gap that men and women should not be considered generally dominant or women perceived as subordinate as they interact in land use.

Kevane (2012) explored that African customary authorities who regulate land use are men who typically assert that women obtain land through their husbands and their kin and thus, are secondary holders of land rights. Verma (2007) established that customary laws allocate rights to land according to gender and marital status; married women gain “usufruct” rights to land through their husbands while the unmarried are allocated land by their father. Lastarria-Cornhiel (2005) study found that daughters and wives do not generally inherit land while widowed or divorced woman does not have the same customary rights as her brothers but may obtain temporary access to some of their land in order to support herself and her children. Duncan and Brants (2004) study found that social norms define the division of land labor for instance in Ghana cocoa farms women perform roles like planting, weeding, watering, harvesting, the transportation of food crops whereas men’s role in initial clearing of the land, the tilling of the soils and the marketing of larger amounts of farm produce. Catholic Relief Services (2013) established that men control over sale of both larger livestock and the more lucrative cash crops while women have access to smaller livestock and control over less profitable staple crops and animal products in Ethiopia. These studies reported men as owners of valuable animals and plants products while women are left to deal with less valuable to an extent of sometimes being left at the mercy of men in achieving land rights. This study addressed that men and women have varied experiences in regard to land ownership, control and access rights depending on their ascribed or achieved social economic status.

Lastarria-Cornhiel,(2005) explored that in Kenya if a man does not have a son, his property is most likely inherited by his brother, nephew, or another male relative. Kendi (2018) established the common inheritance practice in Kenya as patrilineal whereby daughters leave their birth community and family when they marry to live in their husband’s community and thus do not have rights to their husband’s family and when separated and divorced women leave their husband’s house with no claim to any of his property. Ellis et al. (2007) observed that, married woman may only use matrimonial property, but she cannot dispose of it without her husband’s consent. For example, among Luo and Luhya in Kenya customs dictate that a woman cannot have access to land unless she is inherited. Amutabi and Lutta-Mukhebi (2002) study in gold mining areas found that customs directs women to role like panning and gold preparation while men remain as account holders and decision makers in regard to money spending strategies. This is for the community has been socialized that men are the sole bread winners while women are housewives, inferior to men and that everything including them belong to men’s yet they are the managers since they are married to manage property but have no direct control of it. Clare (2012) study found that among the Bukusu community in Bungoma County traditionally, a wife could not claim ownership of goods acquired while living with her husband and upon divorce a woman could not take with her anything gained in the marriage, not even her children for her only legal possessions were her clothes and jewellery, her cooking and farming equipments; everything else belonged to the man.

1.5 Methodology

This study applied a qualitative research design to explore men's and women's lived experiences with land rights. The study was carried out in Gituamba Ward, Gatundu North Sub County, Kiambu County in Central Kenya. It has an estimated population of 27,587 residing in approximately 54.80 Sq. Km (Kenya National Bureau of Statistics, 2013). The choice of this area is because most people are farmers who own small pieces of land that is highly used for commercial purpose; providing the neighboring city of Nairobi with farm products. The main economic activity in this area is agriculture; tea, coffee, dairy, poultry and horticulture while maize, beans, pineapples and Irish potatoes are grown in small scale (Kiambu Times, 2017). Commercialization of agriculture affects the manner in which men and women carry out land related activities becomes an important factor that make the researcher choose to explore.

The target population was couples who have been legally married or have cohabited for at least two years. The researcher applied purposive sampling techniques to select married couples, focus group discussions (FGDs) and key informants from Gituamba ward. The researcher conducted in-depth interviews with 12 couples who were separately interviewed making a total of 24 interviews. Creswell (2013) on phenomenological studies recommends that researcher interview 5 to 25 individuals who have all experienced the phenomenon. The couple age ranged from eighteen years as the legal marriage age in Kenya and below 65 years where most people are actively engaged in land economic production.

The researcher used maximum variation sampling to capture couples with different ages, education level, occupation, income level and religion. The researcher made a list of the required characteristics of the married participants like age, education, income, occupation and religion. This was followed by identification and sampling of every person who meets the sample criteria and through the discretion of community leaders participants fit for the interview were then narrowed down to the required sample of 24 participants.

The study included 4 FGDs where each comprised of six to eight participants who are predominantly dependent on land for commercial production. Kombo and Tromp (2006) explored that a focus group is usually composed of 6-8 individuals who share the same characteristics needed for the study. Homogeneous sampling was applied where married men and women were stratified in age and gender as follows; 8 younger men (18-40 years), 8 older men (41-65) years, 7 younger women (18-40 years) and 6 older women (41-65 years) making a total of 29 participants.

The researcher collected data through individual in-depth interviews with the couples were face to face interaction conducted using an in-depth interview guide where the researcher both took notes and tape recorded. Since land and gender matters are very sensitive the researcher requested the couples to be interviewed separately so as to create a better environment for participants' to share their experiences, thoughts and ideas in their own words. The FGDs conducted using focused discussion guide where the researcher asked questions and guided the discussion while noting responses and observations. The research assistant assisted in taking notes and recording the conversation. Nagle and Williams (2008) explored that focus groups provide insights into how people think and provide a deeper understanding of the phenomena being studied for it may encourage participants to make connections to various concepts through the discussions that may not occur during individual interviews.

There were four separate groups; older males, older females, (41-65) younger males and younger females (18-40) to enhance freedom in participation. To enhance reliability the researcher triangulated data collected from interviews with that of FGDs to ensure consistency. To enhance the validity of the instruments, the researcher discussed and reviewed the research instruments with the university supervisors, lecturers and peers. Qualitative data was manually transcribed for the researcher to get a general sense of the ideas presented. The researcher organized the collected data according to these objectives/questions. Data was then be coded into concepts, properties and patterns to give meaning to data collected from the field. After coding the data, the researcher built on the themes or patterns to gain deeper insight into the meaning of the data. Direct quotations from the participants were reported verbatim using pseudonyms to hide the identity of the participants.

1.6 Findings and Discussions

This study sought to explore how social norms and practices shape gender relations on land rights in Gituamba Ward. Participants were asked to explain the existing social norms and practices on land ownership, access and control rights. Most participants expressed that land is traditionally owned by a husband. For example, Alex, a teacher, aged 45 years observed:

This land belong to me because I inherited it from my father, built this house on it and has been using it for mixed farming ,then I married.

In discussing how social norms and practices defines land ownership, access and control, Alex's wife, Catherine, a house wife, aged 43 years noted:

The owner of the land is my husband. He inherited it from his father and when I got married to him we continued using it.

This meant that social norms and practices have traditionally determined men land rights through inheritance while women acquire such rights through marriage.

This supports Kevane (2012) exploration that African customary authorities regulates that land use is for men who typically assert that women obtain land through their husbands and their kin and thus, are secondary holders of land rights.

Though majority of participants noted that men generally own land, interviews suggest that some couples have both inherited and also contributed money to buy the land together, Joan, middle class, aged 38 years, observed:

My husband inherited this land from his father and apart from it we have got two other pieces and since I am employed and have got money we bought them from our savings.

Her husband Peter, middle class aged 40 years explained:

I inherited this land from my father but we also decided to buy other pieces of land from savings through my business and my wife being a career woman.

Discussions in a male FGD aged between 41 and 65 years further revealed that social norms and practices are changing making women accessible to finance enabling women to acquire land through purchase or inheritance from their own family.

Men have been traditionally known to own of the land but nowadays there are women who own land through buying or inheriting from their fathers.

The study also sought to explore the division of land labor between men and women. The role of men in the land was linked to caring for cash crop, clearing, spraying, pruning and digging furrows to curb soil erosion. Most participants noted that women's role was related to plucking tea, cutting fodder, planting, weeding and harvesting. Discussing on men's and women's land roles participants in a male FGD aged between 41 and 65 years supported that:

The role of man in land is to ensure that there is smooth maintenance of available resources' providing farm inputs like seeds (especially for the cash crops) and ensuring that the land is well cared.

In addition to reports regarding how social norms define the land roles between men and women a participant in female, FGD, aged between 18-40 years noted:

The role of women included planting and weeding and a woman may employ some workers who will be paid by the man.

The researcher found that most women were in the farms plucking tea, cutting and carrying fodder crops and weeding. Some men were found repairing and trimming fences while others were plucking tea while those not present at home were reported to have gone to village security meetings, selling milk and buying farm inputs but had directed to be called when the researcher arrived.

The researcher was interested in finding out how social norms and practices affect the process and the manner in which men and women relate in sale of land products. Most men were found to control the sales of cash crops like macadamia and avocado while women are in charge of food crops like arrow roots and bananas. Most Participants from female FGD aged between 18 and 40 years observed that:

Women sell food crops like bananas, sweet potatoes and arrowroots while men sell cash crops like macadamia and avocados.

All Participants in male FGD aged between 41-65 years supported:

A cow belongs to a man while the milk belongs to a woman but when the quantity of milk increases the man takes over the selling process. Women can market food crops if not much but some men intervene to sell food crops if they feel they will fetch good prices.

On the same discussion one participant from female FGD aged between 41-65 years noted how women perform more roles and yet in most cases they do not benefit on the sale of land products.

After our hard labor in land the outcome in terms of money belongs to men. For instance, when men get payments from tea, they move out and spend it with other men and women buying beer for them only to come back when it is over.

This highlights that men dominate and are generally relied upon for the provision of directives and resources necessary for land production.

The study sought to find out how couples interact depending on one's level of education in regard to land utilization. Most of the couples in this study were farmers of secondary level of education and were of the opinions that since men are land owners they should initiate land related decisions while wives can state out their opinions on land usage. However, Joachim, a primary school teacher, aged 42 years expressed how they make consensual decisions over matters pertaining to the utilization of land resources.

We both make decisions and as a man I feel better since my wife and I are teachers and our decisions are consensual and we feel okay since our aim is how to achieve our development objective.

In addition to this Joachim wife; Hannah, a teacher, aged 38 years noted:

My husband and I decide together on land issues and this makes me feel better for my opinions on land utilization are valued.

A local government administrator noted that even though men are traditionally known to be sole land owners social norms are changing whereby nowadays most women have become

increasingly educated and with income prompting dialogue with their partners regarding land rights.

Man has authority to command since tea is mostly registered under male name, livestock belongs to him and he can sell them without consent of woman. However, this is changing due to the fact that even women have become educated making most couples embrace consensual agreement on decision over land use.

This would mean that educated couples may be a bit liberal regarding customs that determine male dominance over land rights. Education may offer a critical evaluation enhancing dialogue making reasoning supersede the cultural blue prints that defines the scope of power relations among men and women.

The study sought whether age has any influence on how men and women relate in land ownership, use and access rights. From the findings most of the couples had slight age variation and this did not bring out any substantial difference in their relations on land rights. However a couple in which the man was more than double the age of his wife pointed out how a big age difference between them influence their decisions on sale of land products. Mary, a house wife aged 30 years observed:

As a wife I can sell cabbage, tomatoes, arrowroots and sukuma wiki. I can sell avocados when he is not in but on arrival I inform him. I feel due to big age difference and I have no need to control the products since my husband more than double my age. I feel uneasy to sell valuable crops and I am also not free in selling the farm products if my husband is not aware.

On the other hand, Mary's husband, 65 years, Simon, noted how he is at the center of decision making over his land but yet relies on her for food since he is old. In the same thought he demonstrated conditions that need to be met by his wife in order for her to have capacity to control land related rights.

I own the whole land but have given her the portion of land with tea and I expect her to pluck and sell it since she is young and therefore provide me with food since I cannot work and failure to this I stop her to access that portion of land .

In addition to reports of how land labor is carried out and the sale of products a participant in female FGD aged between 41 and 65 years expressed women's frustration when she noted:

Women mostly care for plants and domestic animals but the outcome in terms of money belongs to men. I once sold a goat and a cow and he claimed I sold cheaply until I was told to go for them which I did but luckily the buyer agreed to add some money.

This meant woman can only wait for her husband because she respect him and fear to question him due to his advanced age.

The study sought to find out how income determines the relations between couples in land utilization. The study found that most women expect their husbands to cater for land resources like seeds, fertilizers and labor since they hold the major assets like land. Most participants from a female FGD of women aged between 18-40 years noted:

A woman may look out for some farm workers to weed and carry manure, pluck tea and take it to the collection centers but it is the role of the man to pay them.

But, Joan, middle class, aged 38 years expressed her capacity to employ and pay the workers:
As a woman i can decide to employ people when not in but when available I join the workers as I manage and they are answerable to me.

This would mean a woman with her money is not dependent on the husband in land inputs like farm labor.

This contradicts Duncan and Brants (2004) exploration that women control food crops while men control cash crop and sales of larger amounts farm products.

The study sought to understand whether religious beliefs and practices influence the manner in which men and women relates in land management. Most participants supported how religious beliefs play a crucial role in men's and women's relations in land utilization. Julia, a Christian, aged 61 years observed:

As a woman I feel well when my husband allows me to make some decisions over land use but incase he decides alone and informs me i have no problem because I cannot command, he can only command me because I decided to wed him in the church and agreed into it.

On the other hand Julia's husband Ceaser, a Christian aged 64 years expressed how they manage the affairs of their land.

My wife and I agreed that she should take over the provision of labor and payment of workers in the tea plantation and the money she gets from the payment to cater for household needs while I provide the other needs like school fees for the children. In our church we are always encouraged to sit down and agree on how to manage our family affairs including land.

This would mean that religious teachings are very instrumental in determining men and women relations to land. Some women feel there is no need to question their husbands especially when this could bring conflict in the family.

1.7 Conclusion

The study found that men through inheritance are the land owners while women own it through marriage but in case of death it becomes woman's property. The role of men was found to head in production and the sale of cash crops while women were found to be more concerned with the production of food crops. With regard to decision-making men were found to make major decisions while woman were left to decide on minor things such as sale of food crops if not much or if perceived to be of lesser value. In reference to emotional relations the study findings show that women were allowed to handle less challenging labor and decisions while men could deal with heavy and controversial tasks related to land utilization. Intersections of gender with age pointed that incase the couples have big age variation the younger tend to fear while the older demands respect an environment that makes dialogue not possible. The level of couple's education was found to affect the manner in which couples relate whereby those who are relatively educated were found to embrace consensual agreement while those not were found to agree with existing social norms on men and women's relations. Occupation was found to affect couples relations where those who were farmers only were found to rely more on their spouses for land inputs while those employed in civil service were found to have alternative means of resources to enhance land productivity. The level of income between the couples pointed that those who were relatively poor struggled to produce and reinvest that money to agriculture while the middle income earners had alternative means of acquiring money for land production.

1.8 Recommendations

The national government should understand that men's and women have different experiences on land.

The national government should commit more resources for the creation of awareness programmes to enhance that laws of equality are known and implemented from the grassroots levels.

The county government should provide resources for the implementation of gender equality on land rights.

The rural community needs to enhance social cohesion empowering both men and women thus enabling harmonious interaction on land utilization.

The individual couples in the family environment should embrace dialogue throughout the process of land production, respect each other and be trusted with land proceeds.

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